

**Statement Of Senator Patrick Leahy (D-Vt.),  
Chairman, Senate Judiciary Committee  
Border Security, Economic Opportunity and Immigration Modernization Act, S.744  
June 17, 2013**

As we continue yet another week debating S.744, the bipartisan immigration bill, I hope we can make more progress on this vital legislation.

The American people know that our immigration system is broken and must be fixed. In order to have an effective solution to this complex problem, we cannot focus simply and obsessively on one border or any single aspect of our immigration system. We must address all parts of our immigration system. Yes, we must secure our borders, but we must also reduce the incentives people have to come here illegally or to overstay their visas. That means we must implement E-Verify so that employers stop hiring those who are not authorized to work here and we must eliminate the extensive backlogs that tear so many families apart. We must respond to the needs of American farmers and technology companies and investors who create jobs in this country. And we need to remember that our history and our future as a Nation is based on immigrants when we are considering the legalization process provided in this bill.

Almost four weeks ago, the Judiciary Committee voted to report this immigration reform bill with a strong bipartisan vote of 13 to 5. I understand that the Congressional Budget Office's task is a difficult one with a complex, comprehensive measure such as this one. We had expected their score today. I hope they are able to get us their official score early tomorrow so that we can move forward to complete consideration of this bill. As we closed out each title during our extended mark ups, we forwarded the text to the CBO so they have had the border security title and the non-immigrant visa titles for well over a month. I look forward to reviewing their analysis when we receive it.

In addition to the CBO score we are awaiting, we should also credit the extensive testimony the Judiciary Committee received from former CBO director, Douglas Holtz-Eakin who testified that immigration reform "will increase the productivity growth in the US economy, the fundamental building block of higher standards of living, and generate larger economic growth numbers than we have seen in recent years." Specifically, he estimated that reform of this nature would increase growth, so that the "overall growth rate in real GDP would rise from 3.0 percent to 3.9 percent, on average annually, over the first 10 years. The upshot is that GDP after 10 years would be higher – a difference of \$64,700 per capita versus \$62,900 per capita. This higher per capita income of \$1,700 after ten years is a core benefit of immigration reform." According to Holtz-Eakin, this increase in growth would also help decrease our federal deficit. In fact, he testified that "Over 10 years an additional 0.1 percentage in average economic growth will reduce the federal deficit by a bit over \$300 billion. In this context, the rules imply that over the first 10 years of the benchmark immigration reform, the federal deficit would be reduced by a cumulative amount of \$2.7 trillion."

And the Judiciary Committee also received powerful testimony from Grover Norquist who was asked repeatedly by those who oppose this bill whether legalizing immigrants would lead to a drain on our safety net. His response was that the opposite would occur. He testified that

“immigrants come at the beginning of their working lives, which means they will have years to pay taxes and contribute to the economy before being eligible for entitlements.” Furthermore, Mr. Norquist testified that “Some argue that the fiscal burden of America’s entitlement programs make more immigration cost prohibitive. That is a false choice. That our entitlement systems are broken is not an argument for less immigration; it is an argument to fix our entitlement systems.” It is not every day that I agree with these conservative commentators and advocates but I was happy to invite them to testify before the Committee and commend their analysis to Members who are concerned about the approximated ‘cost’ of reforming our broken immigration system.

One of the hallmarks of this country is how we have historically treated those who have sought shelter and refuge on our shores. America protects the most vulnerable among us, which include survivors of domestic violence and human trafficking, as well as pregnant women, and children. I am proud to report that there are strong protections in this bill for the treatment of kids caught in the broken immigration enforcement system. And in the Judiciary Committee we added to the bill’s protections for domestic violence and human trafficking victims. But the Judiciary Committee also rejected several amendments that sought to take away protections in our safety net programs for immigrants who need them.

I know that some may want to punish the 11 million undocumented people currently living here in the shadows, and the bill specifically contains a steep financial penalty for that purpose. The undocumented also need to go to the back of the line and take classes to learn English, but those tough steps are not enough for those who oppose the bipartisan bill. While some may want to look like they are being even tougher on the undocumented population, we all need to consider how further punitive measures may deter people from coming out of the shadows. When kids and pregnant women are put at risk by an urge to punish millions of people who are trying to make a better life for their families, we do not live up to our American values and we do not make this a safer country.

Last week, Senator Hatch filed several amendments to deny or delay protections for the millions of people who will apply for Registered Provisional Immigrant status. I will oppose all of these amendments because they are not fair and they will deter people from coming forward to register, which will make us all less safe.

It is a cruel irony that when my friends on the other side of the aisle talk about border security, the high cost of implementing their proposed measures are absent from their discussion. Yet, when we are talking about programs that help kids who live near the poverty line, then suddenly, fiscal concerns are paramount. So if we are talking about a specific type of fencing or new expensive exit program, our concern is supposed to trump any hesitancy about government spending or dramatically increasing the boon that such proposals would be to government contracting firms. However, if we are talking about programs that literally feed the hungry or provide vaccinations to children, then we hear lectures about how we cannot afford those programs in the current fiscal environment.

The bill we are considering prohibits immigrants in registered provisional status from access to any federal means tested public benefit programs throughout their time in provisional status. In

addition, as a result of the Personal Responsibility and Work Opportunity Reconciliation Act in 1996, even qualified legal permanent resident immigrants must wait an additional five years after they are legalized to receive any safety net protections. So, including the five-year bar, most immigrants who are working their way through the path to legalization will have to wait anywhere from 13 to 15 years before having any access to safety net programs. Given the penalties and fines they have to pay, it is wrong to further deny these low-income families protections that some may desperately need.

We have seen amendments that try to designate an immigrant a “public charge” and thus deportable simply because the individual’s child received health or nutrition benefits. If a child is an American citizen, would we really want that child’s parents deported simply because the child needed food stamps while the parent was in provisional status?

We should protect the children of immigrants and their families. In 2009, President Obama signed the Children’s Health Insurance Reauthorization Act (CHIPRA). Under Senator Rockefeller’s strong leadership, CHIPRA included a provision which allowed states the option to waive the five-year bar to the Children’s Health Insurance Program (CHIP) and Medicaid for lawfully residing immigrant children and pregnant women. Today, 25 states offer this safety net for children and 20 states offer it to pregnant women. My own state of Vermont offers this protection to both pregnant women and children. I commend my friend, Chairman Rockefeller, for allowing states the option to immediately provide CHIP and Medicaid for immigrant children and pregnant women.

Like some of the harsh amendments that have been filed with respect to the safety net, I have seen similarly harmful amendments on the issues of the Earned Income Tax Credit (EITC), the Child Tax Credit (CTC), which were designed to help hardworking families who pay taxes.

The Earned Income Tax Credit is available only to families that are working and paying payroll taxes. The EITC is a core part of the tax code – like any other tax credit that adjusts federal tax liability based on families’ circumstances. It is not, and has never been considered a “public benefit.” Yet, amendments have been filed seeking to deny the EITC for all registered immigrants for eternity – even after the individual has obtained legal status. One of these amendments was offered during the Committee process, and was rejected.

Similarly, the Child Tax Credit was enacted in 1998 for the benefit of U.S. citizens or U.S. resident alien children under the age of 17. In practice, it first requires that an individual work and pay her taxes. If the person meets this basic requirement, undocumented or otherwise, the Child Tax Credit may be claimed for the benefit of the U.S. citizen or U.S. resident alien child. Undocumented immigrants who use an Individual Taxpayer Identification Number are able to benefit from the Child Tax Credit since they work and pay taxes. However, there are numerous workers who are lawfully present that also use Individual Taxpayer Identification Numbers to pay taxes. During the Committee markup, one senator proposed an amendment that would have denied the Child Tax Credit to low-wage workers who pay their taxes using an Individual Taxpayer Identification Number. This overreach would have harmed numerous U.S. citizen children and their families. Fortunately, this unduly harsh amendment was rejected by the Committee as well.

I will strongly oppose any amendment to deny hard working families from participating in these tax credits when they are paying payroll taxes. We know that these credits are vital to working families and we have a moral obligation not to harm kids in our communities and their families by denying their families these credits.

Some who oppose comprehensive immigration reform have raised the false alarm that this immigration bill would drain our Social Security Trust Fund and bankrupt our Medicare system. Nothing could be further from the truth. The *Wall Street Journal* and *Commentary* are two publications that almost never agree with my positions. In an editorial dated June 2, 2013, entitled “A \$4.6 Trillion Dollar Opportunity,” the *Wall Street Journal* states unequivocally that “Immigration reform will improve Social Security’s finances.” In fact, it notes that

The Senate bill raises immigration quotas by about 500,000 a year over the next decade (to reduce backlogs) and by about 150,000 a year after that. Thus the net effect of the immigration bill on the long-range Social Security trust fund “actuarial balance will be positive,” Mr. Goss recently wrote in a letter to Senator Marco Rubio. These higher post-reform levels of immigration would mean an extra \$600 billion into the trust fund to about \$4.6 trillion over 75 years.

It is true that “Immigration won’t solve all of Social Security’s financial problems.” However, “immigrants unquestionably narrow the funding gap. More generous immigration is a wise step toward solving the entitlement crisis in Washington.” I ask that a copy of the editorial be printed in the record.

Likewise, an article dated June 6, 2013 in *Commentary* debunks the myth that immigration would bankrupt the Medicare trust fund. The title of the article is notable: “Message to Congress: Immigrants Pay More Than Their ‘Fair Share’ of Medicare.” According to the article, “it turns out that closing the borders would deplete Medicare’s trust fund.” In fact, “over a seven-year period, immigrants paid in \$115.2 billion more than they took out. Meanwhile, native-born Americans drained \$28.1 billion from Medicare. In other words, immigrants are keeping Medicare afloat. And it’s non-citizen immigrants who make the biggest contribution. On average, each one subsidizes Medicare by \$466 annually.” It concludes that “Scare-mongering about the cost of immigration has become a staple of political debate... But our findings indicate that economic fairness, not just morality, argues for immigrants’ rights to care.”

The goal of this bill is to encourage undocumented immigrants to come out of the shadows so we can bring them into our legal system and so everyone will play by the same rules. If we create a reason for people not to come out and register, then it will defeat the purpose of this entire bill. Amendments that seek to further penalize the undocumented will encourage them to stay in the shadows. These steps will not make us safer and will not spur our economy.

One of the many reasons we need immigration reform is to ensure that there is not a permanent underclass in this great nation. As part of this effort, we need to continue the vital safety net programs that protect children, pregnant women and other vulnerable populations. Too often, immigrants have been unfairly blamed and demonized as a drain on our resources. The facts prove the opposite. We are a nation of immigrants and we should fight to maintain our tradition of protecting the vulnerable and allowing the American dream to be a reality for all in this country.

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